



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR EKEDAHL COASTAL PERMIT

Item No:	C2.	Application No:	CP 09-06
Applicant:	Geo Engineering, Inc.	Owner:	Robert and Diana Ekedahl
Property Address:	47 Terrace Ave, Bolinas	Assessor's Parcel:	193-142-23
Hearing Date:	September 25, 2008	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	October 2, 2008
LAST DATE FOR ACTION:	November 10, 2008

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit approval to install 12 drilled piers and grade beams on a residentially developed property in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion of construction.

GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal, Single Family, 2-4 dwelling units per acre)
Zoning:	C-R-A:B-2 (Coastal, Residential, Agricultural, 10,000 square foot minimum lot)
Community Plan Area:	N/A
Lot size:	25,927 square feet
Adjacent Land Uses:	Residential and coastal
Vegetation:	Sparse native vegetation
Topography and Slope:	Cliff face and down slope beaches; Steeply sloping
Environmental Hazards:	Subject to coastal erosion and slope instability; within identified Alquist-Priolo special study zone

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3(e) of the CEQA Guidelines because it entails minor physical improvements to shore up the Bolinas bay-side bluff and would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 300 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the the Local Coastal Program and Titles 22I (Interim Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners.

PROJECT ANALYSIS:

The owner/applicant is proposing to install 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion. As noted in the attached Code Enforcement Complaint Record, the applicant had already begun drilling three of the twelve holes for the piers and grade system without having pursued the required Coastal Permit and the subsequent building permit, when he was issued a stop work order.

Per Section 22.56.050I(A) of the Interim Zoning Ordinance, because this is a new shoreline protective measure, this proposed project requires a Coastal Permit. Further, per an interpretation by Bill Kelley, Deputy Director of the Building Department, the piers and grade beams constitute a structure and therefore require a building permit.

The piers and grade beam structure will help stabilize Terrace Avenue, one of two access points into additional residential portions of Bolinas, from being subject to potential erosion problems in the future. Terrace Avenue also includes buried power and sewer lines. The Department of Public Works states that it is urgent that the existing holes which have already been drilled be filled prior to the upcoming rainy season. This project does not qualify for a Coastal Permit exemption due to it being considered an emergency, because, per Section 22.56.040I of the Interim Zoning Ordinance, no natural disaster has occurred to have it qualify as emergency work.

Due to its location, this area is subject to potential erosion issues. The January 2006 storms have increased the risk of erosion to this area. The engineer has also stated that, should a storm of the magnitude experienced on Tomales Bay in 1982 were to occur that the area could be at substantial risk and potentially result in the road sliding onto the beach below.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Ekedahl Coastal Permit.

- Attachments:**
1. *Recommended Resolution approving of the Ekedahl Coastal Permit*
 2. *CEQA Exemption*
 3. *Location Map*
 4. *Assessor's Parcel Map*
 5. *Project Plans*
 6. *Geoengineering, Inc letter, dated August 30, 2008*
 7. *October 1, 2000 Geotechnical Report, received September 2, 2008*
 8. *Code Enforcement Complaint Record*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
RESOLUTION NO. 08-
A RESOLUTION APPROVING THE EKEDAHL COASTAL PERMIT
47 TERRACE AVE, BOLINAS
ASSESSOR'S PARCEL 193-142-23

SECTION I: FINDINGS

- I. WHEREAS, Geo Engineering, Inc., on behalf of Robert and Diana Ekedahl, is seeking Coastal Permit approval to install 12 drilled piers and grade beams to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion of construction. **The subject property is located at 47 Terrace Ave at Bolinas, and is further identified as Assessor's Parcel 193-142-23.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing September 25, 2008, to consider the merits of the project and hear testimony in favor of and in opposition to the project.

- II. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails minor physical improvements to shore up the Bolinas bay-side bluff and would not result in potentially significant impacts to the environment.

- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.
 - A. Water Supply

The proposed project will have no impact upon the water supply because it is not expanding or impacting residential use.

 - B. Septic System Standards

The proposed project would have no impact upon local septic systems because it is not expanding or impacting residential use.

 - C. Grading and Excavation

The project, as designed, will keep grading to the minimum amount necessary because the removal necessary amounts to only what is needed to install the proposed beams.

 - D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity. Given the nature of the project, which amounts to the installation of 12 drilled piers and grade beams to shore up the steep slopes to protect Terrace Avenue and no recognized historic structures in the area, no impact is expected, however a standard condition of approval has been

applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

The proposed project would have no negative impact upon coastal access because the project, upon completion would create no new physical impediments on the site.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community because it is not expanding, impacting, or impinging future residential use.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to streamside conservation policies of the Local Coastal Program.

H. Dune Protection

The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue and would not disturb natural dunes.

I. Wildlife Habitat

The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The proposed project area is at the top of a very steep slope looking down upon the beach. The only identified potential vulnerable species, according to the California Natural Diversity Database, prepared by the State Department of Fish and Game, is the Ricksecker's Water Scavenger Beetle (*Hydrochara rickseckeri*). The species, if it still exists, is known to make its home in pond habitats. Given the nature of the project, which is to stabilize the Bolinas bay-side bluff with 12 drilled piers and grade beams, which upon completion is to have no noticeable impact upon the site and the existing steepness of the slope and little likelihood of significant species being present, the project is not anticipated to have a substantial impact on wildlife habitat.

J. Protection of Native Plant Communities

Review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the property includes federally and state listed species. These species include the Coast Yellow Leptosiphon (*Leptosiphon croceus*) and the Robust Walker (*Pomatiopsis binnettii*). Since the proposed project entails the installation of 12 drilled piers and grade beams on a significantly steep slope, which are to be buried and do not involve substantial grading or vegetation removal, in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue, no long term impact on native plant communities is anticipated.

K. Shoreline Protection

The Local Coastal Program states that new structures shall be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies. Terrace Avenue is one of two access roads to additional residential communities in Bolinas. The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue, not the onsite residence. Terrace Avenue was built prior to the adoption of the Local Coastal Program. The proposed project will help to ensure continued stability of one of only two access roads and reduce potential erosion impacts caused by the storms which hit Bolinas in January 2006. According to the attached letter from GeoEngineering, Inc, dated August 30, 2008, Terrace Avenue is at serious risk of erosion, which could result in potentially serious emergency access issues to these outer portions of Bolinas in the event of a major storm or other event which would require evacuation of the community. The Department of Public Works also acknowledges that this project needs to be completed in order to serve and protect the broader community and have offered no other alternatives which could serve the same purpose. The project is therefore anticipated to provide additional shoreline protection, with minimal impact.

L. Geologic Hazards

The project site is located within the Alquist-Priolo Special Study Zone and would be subjected to moderate ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will not be visible upon completion of construction.

P. Recreation/Visitor Facilities

The project will have no impact upon recreation or visitor facilities because the proposed project is entirely upon private property and will not create barriers to accessing existing recreation/visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. The applicant is requesting Coastal Permit approval to install 12 drilled piers and grade beams on a residentially developed property in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion of construction. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A.1," entitled, "Addition to the Ekedahl Residence," consisting of two sheets prepared by Robert Settgast, Engineer, received September 2, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
3. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
4. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
5. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or

annul approval of the Ekedahl Coastal Permit, for which action is brought within the applicable statute of limitations.

6. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before September 25, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on October 2, 2008.**

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25th day of September 2008.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary